

Beyond Notification: A Case Study From Cloquet, Minnesota

Marvin J. Finendale

All members of Local 158 of the United Paperworkers International Union in Cloquet, Minnesota, were invited to attend a meeting to notify them about the outcome of the Union's study concerning exposure to asbestos fiber. Union members and their families were contacted by letter, radio and television announcements, area newspapers, and word of mouth. They were informed about the medical screening that was being planned and about other information on asbestos-related diseases. During the meeting, they were asked to attend one of the educational sessions, to schedule an appointment for the screening, and to fill out a medical history. It was determined that paperworkers with asbestos-related disease might have rights to at least two types of compensation: worker's compensation from their employers and/or court- or jury-awarded compensation from asbestos manufacturers. Other sources of compensation such as social security of disability pensions might also be available to eligible individuals. The Union did not have a complete listing of all the individuals who worked at plants or in operations where asbestos exposure may have occurred. The Union solicited the aid of the Minnesota Department of Health to help identify former asbestos-exposed workers and to develop an ongoing screening and medical program for workers who were exposed but did not develop symptoms of asbestos-related disease; these illnesses usually take 20 years or more to develop. However, the Union was able to follow-up the notification and subsequent screening by sending members and their families the results of the initial screenings and other information concerning the status of any legal actions taken on behalf of the exposed. The Minnesota Department of Health provided information about that Department intentions and goals for the future. In addition, the Union asked members and families who participated in the education and screening activities for feedback about the program. © 1993 Wiley-Liss, Inc.

Key words: paper workers, asbestos exposure, Conwed, worker notification, risk communication

INTRODUCTION

On August 9, 1985, the sale of Conwed Corporation to United States Gypsum was final. All employees of the Conwed Corporation, both union and salaried, were without jobs. The United Paperworkers International Union started job programs and legal procedures and attempted to negotiate a termination of its contract with Conwed. During a fact-finding meeting in 1985, the Union was informed that a few

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workers were exposed to asbestos fibers and were experiencing medical problems. The question was how could the Union help with insurance and medical bills. It was clear that, if a few workers were exposed to asbestos, then several other workers must have also been exposed. The Occupational Safety and Health Department at the Union's International headquarters was informed about the situation.

On February 19, 1986, a meeting was held with Union representatives from the International and Local 158, along with Ronald Motley, an asbestos litigation attorney with Blatt and Fales in South Carolina. At this meeting, preparations began for determining what role the Union would play in the Local's screening program, educating and notifying past and present members about the health risks associated with asbestos exposure, exploring the legal rights of the exposed with regard to compensation and damages, and identifying competent medical and legal advisors. The following steps were identified for proceeding toward a screening program and determining who would be notified. 1) Review the Local's death benefit records to compile a listing of deceased members. 2) Establish a list of all known retirees and their addresses. 3) Acquire sample products that had been produced prior to the date in 1974/1975 when asbestos use was supposed to have stopped. (These samples would be sent to Ron Motley to be analyzed for percent and type of asbestos content. This information would be used to help estimate exposure and also to help identify who manufactured the asbestos.) 4) Diagram the entire work place by job and exposure. 5) Submit requests for documentation of exposure, based on rights granted to employees and former employees under OSHA Standard 1910.20. (The Union Health and Safety Department would work with the Legal Department to prepare these requests.) 6) Identify medical providers who have the competence and capability to provide screening and/or follow-up care. 7) Submit a proposal to the United Paperworkers International Union for funding.

SUPPORTING ACTIVITIES

In April, 1986, union representatives met with the following persons: the Administrator of the Cloquet Community Hospital, concerning the logistics and scheduling of the screening and X-rays; the County Health Department, to establish a smoking cessation program in conjunction with the screening; Red Cross officials, to line up volunteers to assist with height, weight, and blood pressure measurements; Local 158 members, to interview them regarding different job descriptions to determine their job duties and exposures; and the volunteer committee, to coordinate the scheduling and the registration of people for the screening and to review the entire plan in order to get their input. In May, 1986, the Union sent letters to all Local 158 members and retirees explaining the details of the established asbestos screening and legal assistance programs. Included in this letter was an explanation of what types of diseases can be caused by asbestos exposure. These letters were sent to 250 of the most highly exposed members to gain their participation in the initial screening. The selection was based on information obtained from interviews, job histories, and seniority lists. The notification stated that the screening would include an X-ray, lung function test, and physical examination. Enclosed with the letter of notification was a fact sheet entitled "What you and your family should know about medical screening for asbestos diseases" and a work history and health questionnaire to be filled out and brought along to the screening.

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When the Paperworkers Union actually held the screening, more than 325 workers had agreed to participate. The Union used almost every means of communication to deliver its message regarding the exposure and the scheduled screening. Radio stations and all the local newspapers were kept informed about the exposures and about the screening program for workers.

In June, 1986, the Union filed a complaint with the State of Minnesota Department of Labor and Industries, OSHA Division, against Conwed Corporation for denying the rights to documents regarding the exposure of employees and requests for further identification of former employees. The Union also informed the office of the Attorney General for the State of Minnesota about the dumping into the Cloquet River of asbestos fibers, which then flowed into Lake Superior.

HEALTH SCREENING AND HEALTH EDUCATION

In June, 1986, the Union conducted the screening and the educational sessions. The screenings were attended by the people who had been exposed to asbestos fibers at least 15 years before. The educational sessions were open to anyone who wanted to attend. The Union presented a video and a question and answer exchange to address concerns of those in attendance. Families of the membership were encouraged to attend and were welcomed at all sessions. Members could talk to any of the experts brought in for either the screening or legal assistance. People available to answer questions were Dr. Tom Robins, University of Michigan; Dr. David Bonham, Pulmonary Health Associates, St. Paul Minnesota; Ann Kimmel, attorney with Blatt and Fales, South Carolina; Michael Polk, attorney for the asbestos litigation; Steven Hawn, attorney for workmen's compensation claims; Clare Sullivan, Union Occupation and Health Department; and myself, an International Representative of the Union. Two NIOSH qualified "B" readers were available to read X-rays to verify any disease found and to answer other questions.

In August, 1986, the Union reported the findings of the screening to the membership. The Union also arranged to send a personal letter reporting the screening results to all those who were screened. Anyone having some form of asbestos-related disease could see one of the attorneys by making an appointment on days and times set aside by these attorneys. Five days with available times were listed in the letter relating the screening's findings. The attorneys were available to offer legal assistance at the Cloquet Labor Temple by appointment.

FINDINGS

The findings of asbestos-related disease were of concern to the Union. Having requested and received no response from the company regarding a listing of employees during the exposure time period, the Union sought the aid of the State Attorney's office. Further, the Union learned that during the years when the company was using asbestos in its manufacturing process, the state of Minnesota had prosecuted another company for dumping asbestos into Lake Superior. When Conwed learned of this, they stopped dumping into the river for fear of litigation. The company then started to blow the asbestos through their smokestack with a large fan.

Through interviews with the membership during the screening, the Union learned that many of the workers took their dirty work clothes home to be laundered.

One concern was that, if the work clothes had asbestos fibers on them, the family of the employee exposed to asbestos might also be at risk. Further, because of the fibers having been airborne, the community might also be at risk.

Although the findings from the initial screening showed certain individuals with asbestos-related disease, the analysis was not finished. At this point, the Union realized that the project was beyond one Union's capability and so informed the Minnesota Department of Health. The Union requested ways of pursuing grant monies and legislative support for a community-wide screening, education, and follow-up services in and around Cloquet. The Union also petitioned the Minnesota Department of Health, under the OSHA Act, to assist its efforts to obtain complete employment records from Conwed, so that it could determine with more certainty the number of former workers in need of screening or legal services.

FURTHER UNION SUPPORT

The United Paperworkers International Union wanted to redefine its role in Cloquet, Minnesota. The Union felt a responsibility to complete the effort that was started in the Spring of 1986, which was to provide medical screening and health education and to coordinate legal representation for former UPIU members who worked in asbestos-exposed areas at Conwed. It was estimated that approximately 200-300 additional people still in residence in Minnesota would qualify for future screening services. (These numbers did not include people from Conwed management nor vendors or other people that would have reason to do business in the Conwed facility.) The Union went to the Minnesota Legislature to lobby for subpoena rights and funding, in order for the State Department of Health to have the power and resources to provide the help needed by the workers and their families.

It took many committee hearings and phone calls to various members of the legislature to achieve the desired results. At the time of preparation of this report (August, 1991), the Department of Health has not finished identifying former workers of Conwed. The task proved to be more difficult than necessary because of Conwed's refusal to disclose names.

The Minnesota Department of Health deserves recognition for a job well done. The Union originally invited individuals who were suspected of being heavily exposed to asbestos and who began work with asbestos at least 15 years ago. Because Conwed denied the Union the employment records that were requested under OSHA standard 1910.20, the Union was forced to make this selection of workers based on Union records from 1966, which listed by first initial, last name, and clock number all those who worked in the production, shipping, and maintenance departments. The Union selected these departments as high asbestos exposure areas on the basis of interviews with former Conwed workers. The 1966 list was used because it was the only complete list available (1966 being approximately the midpoint in the period during which asbestos was used, 1958-1974). There were approximately 570 names on the 1966 list, but the Union was able to find addresses for only 332 from current records. Of these 332, only 201 (~61%) accepted the invitation for the screening. Through word of mouth and media releases about our plans to conduct the screening, and while the screening was in progress, another 200 workers came forward. Sixty-one percent of those screened had asbestos-related changes on the first X-ray reading. About half of these changes were pleural, the other half parenchymal.

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The Union further learned that Conwed had not ceased using asbestos in its manufacturing processes in 1974, contrary to what was formerly believed. In fact, Conwed had piled up the asbestos laden material in a back lot and used this material from time to time in its manufacturing processes, in an attempt to rid itself of this material. As a result, although the high exposure time frame was from 1958 until 1974, people who worked there up to the time of the sale of Conwed in 1985 were also exposed. The Union also learned that the company would haul waste material to the county dump in open trucks. That, coupled with their blowing the asbestos dust into the atmosphere, exposed many more people than had been estimated.

In addition to the exposed workers, there was the growing number of spouses and children of the workers who might have been exposed through material brought home on work clothes (which were not laundered by the company). None of these individuals was included in the initial screening. Later, worker's family members also approached the Union for additional screening.

The Union was also deeply concerned that screening and educational activities would lead to an even more vast undertaking, which could not be easily handled without a coordinated effort among several community resources. One reason for considering a joint community effort to assist workers and their families was that Union leaders were further concerned that all the area residents may have been exposed to hazardous levels of asbestos. In fact, the results of the screening done in the Spring of 1986 suggested the need for more widespread screenings. Therefore, through serious lobbying efforts, the Union had the State of Minnesota file lawsuits to force Conwed to release employment records and to allow state agencies to notify and screen those at risk. Because of those serious efforts by the Union, the state legislators passed a bill giving the Minnesota Department of Health subpoena authority to obtain the necessary employment records. Without those employment records, it would be impossible to know the exact number of exposed workers.

Upon further lobbying efforts by the Union, and through the determination of State Representative Paul Ogren, the same legislators passed a bill setting aside \$150,000 for additional screenings. The Union felt that these decisions put the state of Minnesota at the forefront of public health efforts to deal responsibly with the aftermath of occupational and environmental contamination.

It is well established that cigarette smoking multiplies rather than adds to the risk of lung cancer among asbestos-exposed workers. If the risk of cancer is increased tenfold among smokers and fivefold among asbestos-exposed workers, the risk is increased 50-100-fold among smoking workers exposed to asbestos. Although there are many clear reasons for all people to stop smoking, it is evident that people who have had asbestos exposure have an excessive risk. Therefore, it was determined that additional educational programs as well as smoking cessation sessions needed to be established in Cloquet.

The Union felt that the demonstration of clinical evidence of asbestos exposure in these workers and their families would be a powerful incentive for many to cease smoking. To that end, the Union along with the County Health Department developed a smoking cessation program for workers.

CONCLUSIONS

On August 31, 1987, a detailed final report on asbestos-exposed members of United Paperworkers International Union Local 158 in Cloquet, Minnesota was re-

leased. This report was the result of the work done by Dr. Tom Robins and the Department of Environmental and Industrial Health, School of Public Health, at the University of Michigan, located in Ann Arbor, Michigan. This report was based solely on the material from the screening done in 1986.

The Minnesota Department of Health conducted a health screening of 1,101 former Conwed workers and 451 spouses of workers from September through October, 1988. The findings suggested that still more of the workers may eventually develop asbestos-related health problems, following the latency period that normally occurs between exposure and the detection of disease. The Minnesota Department of Health released the findings of its screening activities at a public meeting in Cloquet, Minnesota.

People who worked at Conwed face a very significant risk of developing lung cancer. Other groups of people exposed to asbestos have experienced unusually high lung cancer rates. The Minnesota Department of Health concluded that the lung cancer death rate for men living in the Cloquet area is 36% higher than the rate for all men living in Minnesota. Six known or suspected cases of mesothelioma have been found among men who worked at Conwed, seventy times the rate that would have been expected.

The United Paperworkers International Union acknowledges the dedication and hard work of the staff of the Minnesota Department of Health; the public health community in Cloquet and Duluth, Minnesota; and the many UPIU Local 158 members, their families, and their neighbors, who have contributed their skills, time, and personal support to this effort to notify, screen, counsel, and educate former Conwed workers about the risk of developing asbestos-related disease. The Union also acknowledges the responsiveness that elected representatives from the community and the state showed concerning the magnitude of the occupational health crisis confronting Cloquet.

The resources of the United Paperworkers International Union helped bring this crisis to the public's attention. Although there is no cure for asbestos-related disease, there are some healing measures that can be applied to the emotional and economic scars caused by the illnesses. At this time, no one knows how many people will develop disease.

The Minnesota Department of Health has recently identified another 1,300 workers exposed, bringing the total to between 4,000 and 5,000. Each number represents a person who was never counseled about the possible risk of developing disease nor ever provided a screening by Conwed, even after the asbestos standards were passed by OSHA in 1972. Many have never been able to find jobs equivalent to the ones they held at Conwed before its sale. Many lost health insurance coverage. Many have never been asked back to a second job interview because of concern that their work history at Conwed may result in debilitating asbestos disease in the near future. Some have suffered deeply from the combined impact of joblessness and unnecessary illness and death, and they find it difficult to get on with their lives.

The United Paperworkers International Union has tried to heal some of the wounds by fighting back. It has established an asbestos litigation program through which individuals, already identified as victims of the asbestos industry's gross negligence, intend to exercise their legal rights to compensation. Legal assistance is now available to any member or nonmember who needs it. This legal effort attempts to

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The Union also investigated discrimination claims on behalf of its members who were denied jobs they are well qualified to perform. The Union worked to direct job retraining services to its members and their families, and continues to support vigorously legislation designed to provide further health care services, just as it fought for the legislation that set aside state funds to provide health screenings.

Delays in the legal system may mean that it will take years before any economic redress is seen by individuals. Unfortunately, some may not live to know whether their families will have adequate provisions made for them. This situation should never be allowed to repeat itself. Unfortunately, it may, because unscrupulous asbestos manufacturers have left a legacy of illness in 30-40 other communities from Massachusetts to California.

It is extremely important that the United Paperworkers International Union and its members across the country learn about, and from, what has happened in Cloquet, Minnesota. But, even as anger and outrage may often be directed at Conwed, all spiritual and social resources should be focused on coping with the realities this community faces concerning its past asbestos exposure. Although there may be a need to grieve for the loss of life and the potential problems caused by asbestos-related disease, it is more important to organize available resources to deal with the future. This report was prepared on behalf of the United Paperworkers International Union.